

REMARKS

The Examiner rejected claims 42, 44, 45, 48-50, 52-63, and 65-68 as being anticipated by Hashiba (JP 10-202132 A). Hashiba discloses decreasing the rotational speed of a food waste disposer in response to a noise level exceeding a predetermined decibel value. Hashiba does not teach rotating the grinding mechanism at a first rotational speed for a first predetermined period of time, and then sequentially rotating the grinding mechanism at a second rotational speed for a second predetermined period of time as required in amended claim 42. Because Hashiba does not disclose each and every element of independent claim 42, claim 42 and its dependents (43-60) are now in condition for allowance.

Hashiba also does not teach automatically determining the presence of food waste in the food waste disposer, and then controllably changing the rotational speed of the grinding mechanism depending on the presence of food waste in the food waste disposer as is required in claim 61. Hashiba discloses decreasing the rotational speed of a food waste disposer in response to noise [level] rather than in response to the presence of food waste. Because Hashiba does not disclose each and every element of independent claim 61, claim 61 and its dependents (62-84) are now in condition for allowance.

The Examiner rejected claims 85-104 as obvious over Hashiba in light of Official Notice. The Examiner has taken Official Notice that it would have been obvious to one of ordinary skill in the art to provide Hashiba with water at various stages of the process. The Examiner has not shown that, absent the Applicants' present disclosure, it would have been obvious to increase the rotational speed of the grinding mechanism when water is provided to the grinding mechanism as required in amended claim 85. Because Hashiba and the Examiner's Official Notice does not disclose each and every element of independent claim 85, claim 85 and its dependents (86-104) are now in condition for allowance.

The Examiner alternatively rejected claims 85-104 as obvious over Applicant's Admitted Prior Art (AAPA) in view of Endo (JP 05-096198). The English abstract for Endo discloses a control for a shredder where the shredder's motor is driven at a low speed with a large torque when the load is high and the motor is driven at a high speed with a small torque when the load is low. The Examiner has not shown that Endo discloses increasing the rotational speed of the grinding mechanism when water is provided to the grinding mechanism as required in amended claim 85. Water addition is not equivalent to the increased presence of food waste (i.e. increased load) in a food waste disposer. Because the AAPA and Endo do not disclose each and every element of independent claim 85, claim 85 and its dependents (86-104) are now in condition for allowance.

The Examiner rejected claims 119-144 as obvious over AAPA in light of Endo. The English abstract for Endo discloses a control for a shredder where the shredder's motor is driven at a low speed with a large torque when the load is high and the motor is driven at a high speed with a small torque when the load is low. The Examiner has not (and cannot) point to a specific teaching in Endo suggesting that one of ordinary skill in the art would be motivated to apply the Endo shredder controller logic to a food waste disposer. Endo's English abstract states that the purpose for Endo is to "improve the durability of the shredder by preventing a motor to drive a cutter from being loaded." No such durability concern is present with a food waste disposer. In fact, the present specification clearly points out that Applicants motivation for the claimed invention is to optimize grinding, and not to improve durability. Accordingly, absent the teachings of the present disclosure, one of ordinary skill would not have been motivated to apply the teachings of Endo to a food waste disposer. Because there is no motivation to combine the

teachings of Endo with the AAPA, independent claims 119 and 130 and their dependents (120-129, 131-144) are now in condition for allowance.

The examiner is invited to contact the undersigned attorney at 952-474-3701 with any questions or comments relating to the referenced application.

Respectfully submitted,

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